

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA,  
NORTHERN DIVISION**

**HAZEL M. ROBY, as Administratrix of  
the Estate of RONALD TYRONE  
ROBY, Deceased,**

**Plaintiff,**

**V.**

**BENTON EXPRESS, INC., et al,**

**Defendants.**

**CIVIL ACTION NO.: 2:05CV494-T**

## DEFENDANT'S WITNESS LIST

COMES NOW the Defendant, Benton Express, Inc., and, in accordance with the Court's scheduling order and Rule 26(a)(3) of the Federal Rules of Civil Procedure, provides the following as its Witness List:

## WITNESS LIST

The following are expected to be called as witnesses to testify at the trial of the above-styled case:

1. Hazel Roby;
2. Stephanie Stephens;
3. Corporate representative of Benton Express;
4. Don Hammonds;
5. Bill Jones;
6. Glenn Clark;
7. Garlin McLellan;
8. Barry Weems;

9. David Justice;
10. Bob Tynes;
11. Officer K.J. Stapler;
12. Captain David Tripp;
13. Officer Angie Daniels;
14. Tony Stephens;

The following may be called as witnesses to testify at the trial of the above-styled case if the need arises:

15. Representative and/or custodian of records of Harvesters Credit Union;
16. Representative and/or custodian of records of Nextel;
17. Representative and/or custodian of records of Cingular Wireless;
18. Representative and/or custodian of records of AT&T Wireless;
19. Representative and/or custodian of records of Alabama Department of Forensic Sciences;
20. Corporal Green of the Montgomery Police Department;
21. Any police officer who participated in the investigation of the subject accident;
22. Lisa Warr;
23. Michael Boozer;
24. M.P. Stirling;
25. Roland Brown;
26. Any witnesses identified in the Montgomery Police Department's Fatal Traffic Collision Investigation Report;
27. Any other witnesses to the accident;
28. All witnesses listed and/or called by any other party to this action;
29. All witnesses identified and/or described in depositions;

30. All witnesses identified and/or described in the parties' discovery responses;
31. All witnesses identified and/or described in the parties' initial disclosures;
32. All witnesses needed for rebuttal;
33. All witnesses needed for impeachment;
34. All custodians of records or other witnesses needed to authenticate documents, photographs, or other exhibits;
35. All witnesses revealed through later discovery;
36. Any and all family, ex-family, friends, co-workers, associates, and church friends of Ronald Roby, Hazel Roby, Craig Stephens, and/or Stephanie Stephens who have knowledge of the issues involved in this case;
37. Any witness identified during discovery whose name is not presently known;

Defendant specifically reserves the right to amend this witness list upon the discovery of any additional witnesses who may have facts relevant to this case or in the event the case is not tried at its current setting. Defendant believes that the Plaintiff knows the addresses of all witnesses herein listed. If the Plaintiff needs a particular witness' address, Defendant will provide it upon request.

**LIST OF WITNESSES TO BE PRESENTED BY DEPOSITION**

If needed, Defendant currently plans to present the testimony of Stephanie Stephens, Captain David Tripp, Officer Angie Daniels, and Officer K.J. Stapler by deposition. However, Defendant reserves the right to present any of the witnesses listed above by deposition. Defendant further reserves the right to use depositions in accordance with the Rules of Civil Procedure and as indicated in Defendant's Exhibit List.

Respectfully submitted,

s/ Gregory A. Brockwell  
BRETT A. ROSS (ASB-6771-O76B)  
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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following on this the 8th day of February, 2006:

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